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3 **UNITED STATES DISTRICT COURT**

4 EASTERN DISTRICT OF CALIFORNIA

5
6 JUNE M. DOMINO, Ph.D.,

7 Plaintiff,

8 v.

9 CALIFORNIA CORRECTIONAL HEALTH
10 CARE SERVICES, et al.,

11 Defendants

Case No. 1:19-cv-01790-NONE-SKO

**ORDER TO SHOW CAUSE WHY THE
ACTION SHOULD NOT BE DISMISSED
FOR PLAINTIFF'S FAILURE TO
COMPLY WITH THE COURT'S
ORDER AND FOR FAILURE TO
STATE A CLAIM**

(Doc. 11)

TWENTY-ONE (21) DAY DEADLINE

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13
14 Plaintiff June M. Domino, Ph.D., proceeding pro se and *in forma pauperis*, filed a complaint
15 on December 23, 2019, against California Correctional Healthcare Services and “AFSCME Local
16 2620.” (Docs. 1–3.) In her original complaint, Plaintiff purported to allege claims for employment
17 discrimination under unspecified “Federal Statutes” and “Federal Treaties.” (*Id.*) She demanded
18 “\$44 Million” in damages. (Doc. 1-1.) Plaintiff also filed an application to proceed *in forma*
19 *pauperis*, which was granted on December 27, 2019.

20 On March 3, 2020, the Complaint was screened, and the undersigned found that it failed to
21 state a cognizable federal claim. (Doc. 8.) Plaintiff was provided with the applicable legal standards
22 to determine if she would like to pursue her case and was granted twenty-one (21) days leave to file
23 an amended complaint curing the pleading deficiencies identified in the order. (*Id.*)

24 Plaintiff filed her First Amended Complaint against Defendants California Correctional
25 Healthcare Services, AFSCME Local 2620, and “Does 1–50” on March 24, 2020. (Doc. 10.) On
26 May 8, 2020, the undersigned issued a second screening order finding that Plaintiff again failed to
27 state any cognizable claims and granting her “**one final opportunity**” to file an amended complaint
28 curing the identified pleading deficiencies within thirty days. (Doc. 11 (emphasis in original).)

1 Plaintiff was granted two extensions of time, until August 10, 2020, in which to file an amended
 2 complaint. (*See* Docs. 15, 24.) Plaintiff failed to file an amended complaint or otherwise respond
 3 to the Court's screening order by the August 10, 2020 deadline.

4 The Local Rules, corresponding with Fed. R. Civ. P. 11, provide, "[f]ailure of counsel or of
 5 a party to comply with . . . any order of the Court may be grounds for the imposition by the Court
 6 of any and all sanctions . . . within the inherent power of the Court." Local Rule 110. "District
 7 courts have inherent power to control their dockets," and in exercising that power, a court may
 8 impose sanctions, including dismissal of an action. *Thompson v. Housing Authority of Los Angeles*,
 9 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party's
 10 failure to prosecute an action or failure to obey a court order, or failure to comply with local rules.
 11 *See, e.g. Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply
 12 with an order requiring amendment of complaint); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130
 13 (9th Cir. 1987) (dismissal for failure to comply with a court order); *Henderson v. Duncan*, 779 F.2d
 14 1421, 1424 (9th Cir. 1986) (dismissal for failure to prosecute and to comply with local rules).

15 **Accordingly, Plaintiff is ORDERED to show cause, within twenty-one (21) days of the**
 16 **date of service of this order, why a recommendation should not issue for this action to be**
 17 **dismissed for Plaintiff's failure comply with the Court's May 8, 2020 second screening order,**
 18 **by not filing an amended complaint within the specified period of time and for failure to state**
 19 **a cognizable claim.** Alternatively, within that same time period, Plaintiff may file an amended
 20 complaint or a notice of voluntary dismissal. The Court further CAUTIONS Plaintiff that, if she
 21 fails to take action within twenty-one (21) days of the date of service of this order, the Court will
 22 recommend to the presiding district court judge that this action be dismissed, in its entirety.

23 The Court DIRECTS the Clerk to send a copy of this Order to Plaintiff at her address listed
 24 on the docket for this matter.

25 IT IS SO ORDERED.

26 Dated: August 26, 2020

27 /s/ Sheila K. Oberto
 28 UNITED STATES MAGISTRATE JUDGE